

DRAFT

ITEM

SUBJECT: Mr. Frank Guinta, Ms. Shari Guinta, Mr. James Ramsey and Ms. Marilyn Ramsey, San Joaquin County

BOARD ACTION: Consideration of Cleanup and Abatement Order, and Monitoring and Reporting Program No. R5-2008-XXXX

BACKGROUND: Mr. Frank Guinta, Ms. Shari Guinta, Mr. James and Mrs. Marilyn Ramsey (hereafter collectively known as Dischargers) owned and operated, or owned Frank's One Stop gasoline service station (Site) located at 2072 West Yosemite Avenue in Manteca. On 2 May 1992, the San Joaquin County Environmental Health Department (SJCEHD) submitted an Unauthorized Release Report for a gasoline leak from the fuel dispensers at the Site. In June 1998, two 10,000-gallon diesel underground storage tanks (USTs) and four 10,000-gallon gasoline USTs were removed. Petroleum hydrocarbons, including methyl-tert butyl ether (MTBE), were detected in soil and groundwater samples from the tank excavation. In August 2000, an approved interim groundwater pump and treat system was initiated. In September 2000, 13 offsite residential supply wells were discovered impacted by petroleum hydrocarbons from the Site, and wellhead treatment systems were installed. On 1 January 2003, the Discharger's consultant turned off the on-site remedial system. The Dischargers did not comply with SJCEHD's directive to restart the remedial system immediately, and in March 2003, the Water Board obtained lead agency status. On 18 August 2003, the Water Board's Executive Officer issued Cleanup and Abatement Order (CAO) No. R5-2003-0713. The CAO directed the Dischargers to maintain and test domestic wellhead treatment systems, submit a Site Investigation Report, a Corrective Action Plan Report, and Quarterly Monitoring Reports and to implement remedial actions. On 16 November 2004, the Water Board's UST Program Manager issued a subsequent Notice of Violation letter for failure to comply with the CAO. Since January 2005, the Dischargers have not maintained or tested the domestic well-head treatment systems nor submitted the requisite reports. Currently, maintenance, sampling and analyses of the private wellhead treatment systems, and other corrective action activities are being conducted at the State's expense by a State contractor under Water Board staff oversight, using the State's UST Cleanup Fund Emergency, Abandoned, and Recalcitrant Account. Pursuant to Water Code Section 13350, the Executive Officer issued Administrative Civil Liability Complaint No. R5-2005-0530 (ACL Complaint) for \$400,000 for failure to comply with CAO No. R5-2003-0713 on 30 December 2005. On 27 October 2006, an evidentiary hearing was held before the Water Board. The Board dismissed the ACL Complaint without prejudice and did not adopt the proposed ACL Order. The Dischargers met with staff and discussed compliance with the CAO on 27 November 2006. In a subsequent letter dated 12 December 2006, the Dischargers stated that they could not comply with the CAO, due to the cost of the investigation and cleanup. Additional attempts by staff to schedule meetings with the Dischargers to discuss a new CAO have been unsuccessful. A new CAO is necessary to update the findings in the CAO, to reflect current site conditions, and set new, enforceable due dates for investigation and cleanup. CEQA requirements for issuance of the proposed new CAO have been satisfied.

ISSUES: The discharge of petroleum hydrocarbons from the Site continues to contaminate groundwater and nearby domestic wells.

RECOMMENDATION: Adopt the Cleanup and Abatement Order and Monitoring and Reporting Program, No. R5-2008-XXX as proposed.

Mgmt. Review \_\_\_\_\_  
Legal Review \_\_\_\_\_

20 October 2008

Central Valley Water Board  
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